

**TESTIMONY OF  
DEREK BOWENS  
DIRECTOR OF ELECTIONS, DURHAM COUNTY, NC**

**HEARING ON  
STATE AND LOCAL PERSPECTIVES ON ELECTION ADMINISTRATION**

**SENATE RULES COMMITTEE**

**MARCH 28, 2023**

Chairwoman Klobuchar, Ranking Member Fisher, and distinguished members of the Committee on Rules and Administration of the United States Senate, thank you for allowing me to join you here today. I am honored by this opportunity to appear before you to talk about the administration of elections in Durham County, North Carolina, both in general and during the 2022 mid-term elections.

I currently serve as the Elections Director for Durham County, NC. In this position, I have administered several local, state, and federal elections. I have more than a decade of local election administration experience and my teams have won multiple awards from the National Association of Counties and the U.S. Election Assistance Commission for innovation in election administration. I am incredibly proud to serve my country in such an impactful way and am equally honored to have two staff members with me today, Deborah Hart and Rebecca Troedsson. It is also an honor to speak to the hard work of the remaining 99 counties in North Carolina, a significant number of which are participating in a Director's association conference today to enhance and advance their knowledge of election administration for our constituents.

I am a non-partisan public servant who believes strongly in the promise of democracy and in the preservation of the core tenants of our democratic republic. I am also a non-partisan elections administrator. I take this responsibility very seriously and carry out my duties impartially without regard to partisan preferences or affiliations. I am committed to developing and carrying out sound processes, according to state and federal law, to give our citizens faith and confidence in the outcome of every Durham County election.

Every day, I am mindful that, less than sixty years ago, people who look like me couldn't execute a basic function guaranteed under our Constitution without hardship and restriction. As such, it is an honor to

equitably serve all citizens in Durham County as the Director of Elections and ensure that elections conducted under my purview are free, fair, and secure. In my testimony, I would like to share with you my experiences as an election administrator in Durham County, North Carolina. I would like to highlight how we conduct free, fair, and secure elections; discuss my experiences during the 2022 mid-term election; provide my thoughts on election funding; and share the work of the Committee for Safe and Secure Elections, a bipartisan organization of which I am a member, and was established to address the recent threats, violence, and intimidation directed at local and state election officials in this country.

Again, thank you for giving me an opportunity to speak with you today and I look forward to your questions.

## Election Administration in Durham County

Durham County has over 320,000 residents, making us the 6th largest of North Carolina's 100 counties. The City of Durham is the largest of our five municipalities in the county. We have approximately 230,000 registered voters. Our county is to the west of Wake County, where Raleigh, our state's capital, is located. In fact, part of Raleigh is also in Durham County. We are proud to have two nationally recognized institutions of higher education in our county, Duke University and North Carolina Central University, in addition to our wonderful technical and community college system. Also, most of Research Triangle Park, a hub of global science and technology firms, government agencies and academic institutions, is in Durham County.

Durham County is governed by a five-member Board of Commissioners. Countywide offices include the Sheriff, the Register of Deeds, and the County Clerk of the Superior Court. Local election administration, including voter registration and election management, is the responsibility of the five-member local county board of elections. In North Carolina, four members of the local elections board are selected by the State Board of Elections (not more than two of which can be from the same political party), and one member is selected by the Governor.

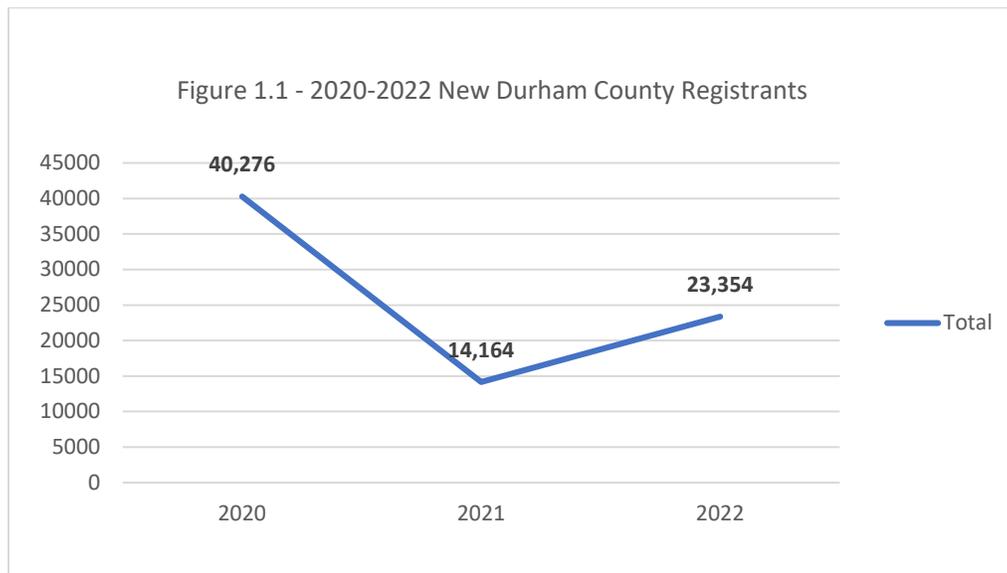
Local election boards, including the Durham County Board of Elections, hire a county elections director, and delegate core election administration responsibilities to the county elections director. The person selected to serve as county elections director is approved by the Executive Director of the State Board of Elections.

Election Administration in Durham County is administered in a manner that promotes free, fair, transparent, and secure elections. There are several core processes, including checks and balances, which work together throughout the election cycle that result in trustworthy elections.

## Voter Registration

Durham County citizens have access to multiple voter registration opportunities. Eligible citizens can register to vote or update their voter registration in-person, by-mail, electronically via email or fax, online as part of NC Department of Motor Vehicles (NCDMV) services, and in-person at the NCDMV and other National Voter Registration Act (NVRA) agencies. Voter registration forms are made available at no cost for voter registration drives and at public libraries, high schools, colleges and parks and recreation facilities. In addition to the traditional means of voter registration, North Carolina allows eligible voters to register in-person and vote during our early voting period – this is known as One-Stop Absentee Voting. There are processes in place to ensure that these *same-day registrants* are qualified to vote at the address they provided at the time of their registration.

No matter the method of voter registration, all voter registration applications are processed through North Carolina’s State Elections Information Management System (SEIMS). When processing applications, SEIMS allows county elections staff to verify the accuracy of identification information on applications and check whether the applicant is a currently registered voter in Durham County. There are additional automated processes in place to help determine other qualification requirements, such as whether the applicant meets age thresholds, is currently serving a felony sentence or has an existing registration in Durham County. Figure 1.1 below provides an overview of new voter registrations processed in Durham County from 2020-2022<sup>1</sup>.



<sup>1</sup> Data provided by NVRA Statistics Reports retrieved from the Statewide Election Information Management System (SEIMS).

## Voter List Maintenance

The Durham County Board of Elections ensures the accuracy of its list of registered voters by following the North Carolina State Board of Elections (NCSBE) systematic list maintenance procedures, which comply with the National Voter Registration Act (NVRA) and state law. These procedures require that county election officials review periodic reports provided by different governmental actors, including those listed below, on an ongoing basis.

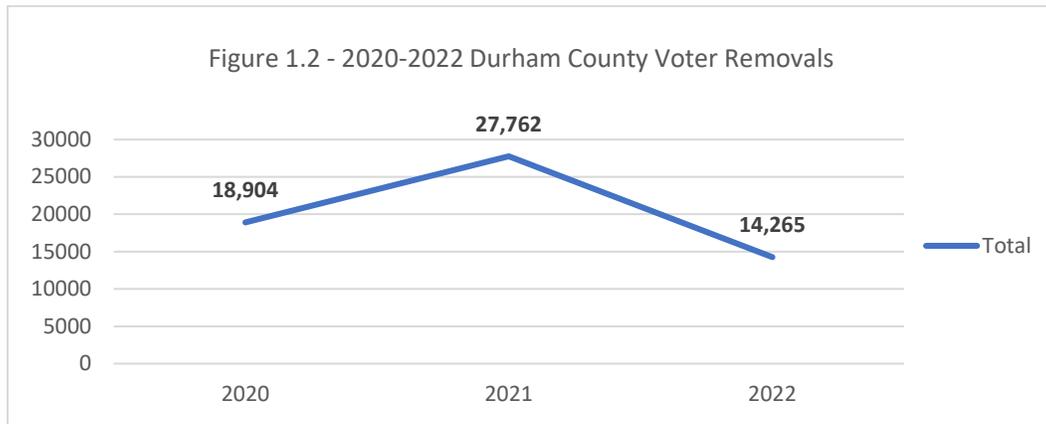
- North Carolina Department of Health and Human Services (NCDHHS) Death Report: This report is provided to each county on a monthly basis by the NCSBE via the NCDHHS and allows counties to remove responsive registrants who have been reported as deceased, if certain data matching criterion is met.
- North Carolina Department of Public Safety (NCDPS) Felony Conviction Report: This report is provided to each county on a daily basis by the NCSBE via the NCDPS and allows counties to initiate the removal process for responsive registrants who have been convicted of a felony and are currently inmates, if certain matching criterion is met.
- NCSBE Duplicate Registrations Matching Report: This report is provided to each county on a daily basis by the NCSBE and allows counties to remove registrants that appear to be registered in more than one North Carolina County, if certain matching criterion is met.
- NCSBE County Cancellation Report: This report is provided to each county on a monthly basis by the NCSBE and allows counties to remove registrants who have self-reported a move from one county to another, if certain matching criterion is met.

We also comply with our State's systematic list maintenance mailing programs, which include the following efforts:

- No-contact confirmation mailings are sent to active voters who have not had any voter registration activity, including voting, for two election cycles with a federal contest on the ballot.
- National Change of Address (NCOA) mailings are sent to active voters who have reported a change of address to the United States Postal Service and meet specific move parameters.

In addition to the data provided by the NCSBE, the Durham County Board of Elections also maintains an internal list maintenance database that evaluates registration data on a daily basis to assess possible duplicate registrations due to data entry errors, foreign characters in naming conventions, registration date

or date of birth discrepancies, and possible mailing address issues. Figure 1.2 below provides an overview of voter removals processed in Durham County from 2020-2022<sup>2</sup>.



These voter registration list maintenance procedures authorized by state law and the additional measures that my office employs are consistent with my assertion that Durham voters should have confidence in our elections.

### Safe and Secure Voting Options

Durham County voters have multiple safe and convenient options to cast their ballot. North Carolina law permits voters to cast their ballot by mail (absentee voting), through in-person early voting (one-stop absentee voting), or in-person on Election Day.

Voters can request an absentee ballot up to the week before Election Day and there is also a process for emergency absentee requests following this deadline. During even-numbered years, absentee ballots are distributed as early as 50 days prior to the date of the primary election and 60 days prior to the date of the general election. These periods give voters more time to receive and return their voted ballot. In the last three federal general elections, Durham County received 82,145 requests from civilian, military, and overseas citizens voters and approximately 72% percent of these ballots were successfully returned and counted<sup>3</sup>.

In-person early voting in North Carolina begins in each county 17 days prior to Election Day and ends on the Saturday preceding the election. In the last three federal general elections, early voting in Durham County accounts for over 63% percent of voter participation in Durham County. Roughly 22% percent of voters wait to vote on Election Day. In Durham County, this method of voting has become the preferred method of

<sup>2</sup> Data extracted from the Statewide Elections Information Management System (SEIMS).

<sup>3</sup> Data extracted from the Statewide Elections Information Management System (SEIMS)

participation during federal general elections, which is historically when we see the largest voter participation in our county. We have also found that having a high percentage of participation by early voting reduces Election Day wait-time at polling places and mitigates Election Day issues.

Voters may also wait until Election Day to vote. Durham County uses an electronic poll book system developed by NCSBE to *check-in* voters during both one-stop early voting and Election Day voting. Voters sign an attestation of their qualifications to vote on an authorization to vote (ATV) form. Durham County early voting sites and Election Day polling locations are organized by processing stations. Voters' eligibility is checked, and they receive their ATV at the *check-in station*. The voter is then directed to the *ballot station* to receive their eligible ballot. The voter must submit their signed ATV to an attendee at the ballot station. Prior to issuing the voter a ballot, the ballot station attendee will scan a barcode on the ATV and on the ballot and wait for a confirmation notification that the voter has received their proper ballot style. Once a voter receives their ballot, they proceed to a private voting booth to mark their ballots.

Accessible voting options are provided at all Durham County early and election day voting sites. Each site has voting equipment for those who are visually impaired or unable to mark their ballot. All sites have accessible entrances, exits and throughways. Curbside voting is provided to any voter who attests they are unable to enter the voting location.

In some situations, a voter cannot be issued a regular ballot. In these instances, if the voter believes they are eligible and qualified to vote, they will be offered a provisional ballot.

Providing voters multiple options recognizes the variability in our citizens' professional and personal lives and supports greater participation in the electoral process.

### [Election Night Reporting, Canvass and Election Certification in Durham County](#)

North Carolina law allows absentee by-mail ballots and one-stop early voting ballots to be preprocessed prior to the closing of the polls on Election Day. These procedures occur as part of an open county board of elections meeting under rigid chain of custody and security measures. Early voting results cannot be made public until the polls close at 7:30 pm on election night. When our polls close, the early voting results are some of the first results that are reported to our citizens on election night. Accordingly, Durham County voters can see a large percentage of contest results very early on election night, although they will still need to wait for the Election Day precincts to begin reporting. As part of our election night finalization procedures, it is our expectation that we will report results for all mail absentee ballots received by the Monday prior to Election Day, all in-person early voting ballots and all Election Day precinct ballots.

Election results are not final on election night. For regular absentee voting, ballots are eligible to be counted if they are received by mail up to three days after the date of the election, as long as they are postmarked by Election Day. For this reason, we appreciate the help of the U.S. Postal Service in ensuring that a postmark date is applied to the return envelope of ballots that are placed in the mail stream. Mailed military and overseas ballots can also be received until the day before the official *county canvass*. Counties in North Carolina must meet to officially *canvass* their election results on the 10<sup>th</sup> day following Election Day. During the post-Election Day *canvassing* period, the following activities occur:

- Eligible mail ballots received up until the Friday after Election Day are tabulated
- Provisional ballot applications are researched, and approved provisional ballots are tabulated
- Ballots that cannot be tabulated by the voting equipment are duplicated and then tabulated
- Eligible write-in votes are tabulated
- Other ballot adjudication procedures occur
- The county conducts a sample hand-to-eye audit count, according to the law and rules prescribed by NCSBE
- Voter history for the election is compared to ballots cast and reconciled by precinct, ballot style, party (during partisan primaries), method of voting, and location voted

These post-election processes ensure that only votes cast by eligible voters are counted and certified in the official abstract of votes.

### Pre-election and Post-election Quality and Accuracy Procedures

I oversee routine pre-election and post-election procedures designed and implemented to promote confidence in Durham County's elections. These procedures include those required pursuant to state law and additional quality control procedures developed in-house, such as data validation protocols. The following is a partial list of the procedures I conduct or oversee prior to and following an election:

- Jurisdictional Assignment Audits
- Annual Maintenance on Voting Equipment
- Ballot Proofing for Accuracy and Legal Compliance
- Logic & Accuracy Testing on Voting Systems
- Voter History Reconciliation
- Election Official (Poll Worker) Training and Certification
- Hand Count Tabulation Audits
- Canvass procedures

These measures, and many others, help ensure that our elections are safe and secure.

## Successful 2022 Durham County Election

Due to advanced preparation, strong community support, and requisite funding from our county's governing body, we conducted a successful 2022 General Election. In total, 53.61% of our registered voters participated. Of that 53.61%, 6.7% voted absentee-by-mail, 62.2% voted utilizing in-person early voting, and 30.5% voted on Election Day. Sufficient funding is critical, and I know that many local jurisdictions, especially smaller and more rural jurisdictions, do not have desperately needed resources. Some local election officials in North Carolina would struggle to cover the travel expenses associated with appearing at this hearing in person. As is typical for larger counties, Durham County is fortunate to have sufficient resources to not only ensure compliance with federal and state law, but also to develop additional election security tools and trackers that increase voter confidence and engagement, such as wait-time trackers, polling place locator tools, and election material GPS trackers, to enhance our constituent experience.

## Committee for Safe & Security Elections (CSSE)

Following the 2020 general election, I noticed an uptick in alarming communications directed at the County Board of Elections. I personally experienced a vulgar public comment during a hybrid Board of Elections meeting in which I was called a "nigger" several times via a Zoom chat during the canvassing period. I know election officials in North Carolina and throughout the country who were threatened, harassed, and intimidated by people who did not understand the elections process and did not like the outcome of our certified elections.

A [2022 survey of local election officials](#) found that 1 in 6 election officials had been threatened for simply doing their jobs, and more than 3 in 4 election officials believe that threats against them have increased in recent years. This behavior is undemocratic and unacceptable. For these reasons, I joined the Committee for Safe and Secure Elections (CSSE), a bipartisan organization dedicated to building relationships between election officials and law enforcement to help prevent violence, threats and intimidation against election officials through practical resources. The Committee has over 30 members from around the country and includes people with experience in elections administration and law enforcement at the local and state-level.

CSSE's [three broad goals](#) are to strengthen relationships between election officials and law enforcement; provide resources and best practices for law enforcement and election officials to advance safe and secure elections; and support policies that protect election workers and voters from violence, threats, and intimidation.

I joined the Committee because of my commitment to my Durham County staff, our 1,100+ poll workers, and my peers in North Carolina and throughout the country. I believe that if election officials and workers feel unsafe carrying out their responsibilities or feel like they and their loved ones will become targets of harassment or violence, it will be difficult for them to effectively perform their duties. And there is no doubt that these threats have played a role in the exodus of election officials in North Carolina and across the country. As of this testimony, Election directors in 47<sup>4</sup> of North Carolina's 100 counties have left their jobs within the past three years. To address these threats, I believe policymakers should consider protecting election officials' personal information, like addresses. I believe that funding is needed for local election officials to put in place security measures, like security cameras, control access devices, [bullet proof glass](#), [and panic buttons](#), in their offices and other election-related facilities. I was encouraged to learn that the Department of Homeland Security recognized that election security should be included as one of the priority areas for the [2023 preparedness grant programs](#).

In my work, I often engage with election administrators in North Carolina and all over the country. I know that they share my conviction and vision.

It has been disheartening to witness many of my colleagues - defenders of democracy - experience violent threats and harassment aimed at them and their loved ones over the last few years.

## Election Security and Funding

Adequate funding for election administration is critical for secure elections. While the federal government's recent financial support of elections through direct grant funding to state election authorities is necessary to secure centralized systems and provide general resources to local authorities, and while much appreciated, this effort does not supplant the need for direct funding to local administrators who understand best, within the confines of the law, what works for their communities. This approach has broad support, including from the National Association of Counties (NACo), which just [reiterated](#) that it "supports a consistent, predictable and dedicated federal funding stream to assist counties with meeting federal requirements administering elections." The costs of the procedures outlined above are not insignificant. It takes considerable funding and other resources to conduct safe and secure elections. The costs of elections, and the expectations placed on election administrators, increased after the Secretary of the Department of Homeland Security designated election infrastructure as critical infrastructure in 2017. Since the designation, the Durham County Board of Commissioners has invested significant resources in the Durham County elections, which has made significant

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<sup>4</sup> Per Statistics provided by the North Carolina State Board of Elections as of March 24, 2023.

improvements to the security posture of the board of elections office, warehouse facility, networks, and other election assets.

In 2018, the Department of Homeland Security (DHS) conducted a physical security assessment of Durham County Board of Elections' facilities. This assessment found several areas of improvement related to the security of critical infrastructure. The resulting report, which included customized physical security improvement recommendations, was pivotal in the Durham County Board of Commissioners' decision to invest millions of dollars in the acquisition, design, and security upfit of a new consolidated facility for Board of Elections operations. The facility is expected to be move-in ready ahead of 2024. This is just one example of how direct support to local election officials bolsters election security.

Currently, our county commissioners are assessing our roughly \$3.5 million budget request for the 2023-24 fiscal year, which will include funding required to conduct the 2024 primary election. Although the 2023-24 budget will include some direct expenditures for the 2024 primary, the funding for much of the necessary planning and preparation was included in this fiscal year's budget request – because this critical work takes place long before Election Day. Our county election office is appreciative of the grants received from some of the recent federal election security grants. The last distribution of indirect HAVA funding to NC counties came in budget period 7/1/2020 – 6/30/2021, pursuant to NC Session Law 2020-17, Section 11.2(a). This bill required the State to create a "County Reimbursement Account" that allowed counties to submit reimbursement requests for eligible expenses not to exceed \$250,000, with a minimum of \$10,000 for each county. Actual funding amounts were designated based on NC Department of Commerce Tiers as of 1/09/2021. Durham's reimbursement share was \$192,290. Using these funds, the Board of Elections was able to purchase additional voting equipment to supplement our existing inventory, secure access badge readers for our warehouse facility, and acquire other supplies critical to conduct quality elections in Durham County.

## Conclusion

In conclusion, federal elections in Durham County were successful. However, it is important to understand that this success was the result of continuously growing financial investments since 2017, ongoing assessments and improvements of procedural checks and balances, and year-round planning and preparation. While I am proud of our success, I have some concerns as I look ahead to the 2024 presidential election. I know many of my colleagues in North Carolina and across the country do not have the financial support I enjoy. I know that threats against and harassment of election officials continue. With this in mind, I hope Congress will consider providing financial support directly to my colleagues who administer elections at the local level, many of whom may not be able to implement critical physical or cybersecurity measures

necessitated by today's threat environment. I truly appreciate this committee's time and attention to this important topic.

## Durham/SBE Reports:

Voter History Audits (2016-Present): [Post-Election Procedures and Audits | NCSBE](#)

Voter History Dashboard: 2020 – Present: [Microsoft Power BI \(powerbigov.us\)](#)